

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

**H.R. 2209—FY 1998 Legislative Branch Appropriations Act
(Conference Report)**

**H.R. 2267—FY 1998 Commerce, Justice, State, and the Judiciary
Appropriations Act**



H.R. 2209—FY 1998 Legislative Branch Appropriations Act (Conference Report)

Floor Situation: The House will consider the conference report to H.R. 2209 as its first order of business today. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour, may not be amended, and are subject to one motion to recommit. Yesterday, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

Summary: The conference report to H.R. 2209 appropriates \$2.2 billion in new budget authority for FY 1998, \$537.3 million more than the House-passed bill and \$45.8 million more than last year, for the operations of the legislative branch. Total House funding is \$708.7 million, \$24.6 million more than FY 1997. Total Senate funding is \$461.1 million, \$19.8 million more than last year. Of the \$2.2 billion appropriated, \$1.6 billion is for congressional operations (joint items such as the Capitol Police and the Architect of the Capitol, and agencies such as the Congressional Budget Office and the Congressional Research Service), and \$665 million for other agencies that serve Congress, the executive branch, and the general public (such as the Library of Congress and the Government Accounting Office). Overall, the conference report appropriates a net increase of \$537.3 million from the House-passed bill. Most of this net increase is for the operations of the Senate (\$461.1 million) and Senate office buildings (\$52 million). The House-passed bill omitted this funding, since it is customary for each body of Congress to determine its own operational funding level without objection from the other body. The House passed H.R. 2209 by a vote of 214-203 on July 28, 1997. The Senate approved the bill, as amended, by voice vote on July 29, 1997. The conference report was submitted by Mr. Walsh.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXVI, #21, July 18, 1997, and #26, September 19, 1997.



H.R. 2267—FY 1998 Commerce, Justice, State, and the Judiciary Appropriations Act

Floor Situation: The House will consider H.R. 2267 after it completes consideration of the conference report to H.R. 2209. Appropriations bills are privileged and may be considered anytime three days after they are filed. Yesterday, the Rules Committee granted an open rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives all points of order against consideration of the bill, as well as House rules which prohibit unauthorized appropriations, legislative provisions in an appropriations bill, and reappropriations. It self-executes (i.e., incorporates into the base text upon passage of the rule) and amendment by Mr. Hastert (see below). It makes in order three specific amendments—by Mr. Hyde, Messrs. Mollohan and Shays, and Mr. Burton, each debatable for the amount of time specified below—and waives points of order against them. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2267 appropriates \$25.9 billion for the departments of Commerce, Justice, and State, the federal judiciary, and 18 related agencies, \$764 million more than last year and \$353 million less than President Clinton requested. Together with \$5.3 billion from the Violent Crime Reduction Trust Fund plus mandatory programs, the bill provides a total of \$31.7 billion in new budget authority. The bill focuses on enhancing numerous crime enforcement and reduction initiatives, providing increased funding for (1) states to develop national sex offender registries, (2) violence against women programs, (3) missing and exploited children programs, (4) state and local law enforcement assistance from programs such as the president's COPS on the Beat initiative and the local law enforcement block grant, (5) enhanced border patrol and criminal alien assistance programs, (6) state prison grants, including over \$60 million for state prisoner drug treatment programs, and (7) juvenile crime and prevention programs. Additionally, the bill provides \$3.2 billion for the federal court system, mostly for salaries and administrative expenses. CBO estimates that enactment of H.R. 2267 will result in net outlays of \$21.3 billion in FY 1998, \$5.6 billion in FY 1999, \$2.9 billion in FY 2000, \$1.8 billion in FY 2001, and \$143 million in FY 2002 and beyond. H.R. 2267 was submitted to the House by Mr. Rogers and was reported by the Appropriations Committee by voice vote on July 25, 1996.

Views: The Republican Leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time. Unofficially, however, administration officials have expressed opposition to several provisions in the bill, including (1) reduced levels of funding for the

Legal Services Corporation (LSC), (2) elimination of the Advanced Technology Program, and (3) restrictions on current funding for the Census Bureau to use statistical sampling in the 2000 census.

Amendments: As stated above, the rule self-executes the following amendment:

- * an amendment by **Mr. Hastert** to (1) provide an expedited judicial review process to determine the legality and constitutionality of sampling and other statistical adjustment procedures when conducting the national census for apportionment and redistricting purposes; and (2) impose a temporary injunction on the use of funds provided in the bill once legal action has begun. The injunction will last until a census method has been deemed constitutional by a federal court. **Contact: x5-2976**

The rule also states that the following amendment will be considered before any other amendments:

- * an amendment by **Mr. Hyde**, debatable for 30 minutes, to replace current language which allows House members and staff to be reimbursed for legal expenses they incur as a result of a Justice Department investigation into their official House conduct if the Justice Department does not prevail in prosecuting the member or staff person. The amendment preserves the right to fee reimbursement *unless* the government shows that the prosecution was substantially justified based on events leading to the prosecution or the nature of the offense committed by the defendant. **Staff Contact: John Dudas (Judiciary Committee), x5-3951**

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2267. Unless otherwise indicated, amendments are debatable under the five-minute rule, which provides five minutes to a proponent, five minutes to an opponent, and five minutes to any member who rises to strike the last word.

Mr. Barr may offer an amendment (#16) to prohibit funding in the bill from being used to conduct studies of the medicinal use or legalization of marijuana. **Staff Contact: Bob Herriott, x5-2931**

Mr. Bartlett may offer either one or two amendments (#2 or #3) to strike a total of \$100 million in funding to pay dues arrearages to the United Nations. The author contends that U.S. costs paid toward peacekeeping operations exceeded \$6 billion from 1992-1995. Only a portion of that amount has been credited toward dues payments on behalf of the U.S., leaving enough funds to pay for any dues arrearages without providing additional appropriations. **Staff Contact: Randy Stephens, x5-2721**

Mr. Bass may offer an amendment (#8) to eliminate \$185 million for the Commerce Department's Advanced Technology Program (ATP) by striking all language in the bill that provides ATP funding. Critics believe that the advanced technology program is corporate welfare and should not be tolerated during a time of significant budgetary constraints. However, advocates of the program argue that it plays an essential role in helping to develop the high-risk technologies that will dominate the future. **Staff Contact: David Leland, x5-5206**

Mr. Burton may offer an amendment (#17 or #45), debatable for 30 minutes, to require that programs funded by the Legal Services Corporation (LSC) must disclose basic information about litigation in which LSC funding recipients are involved. The information includes (1) the names and

addresses of the persons involved in the lawsuit, (2) the nature of the lawsuit, (3) the location where the suit is filed, and (4) the case number of the suit. LSC grantees must file the disclosure reports with LSC on a quarterly basis (or semi-annually in the second amendment). The amendment makes an exception to the disclosure requirement in instances where the names of parties to the lawsuit may not be disclosed for security reasons. Amendment opponents claim that such disclosure requirements are burdensome and intrusive, and possibly a violation of attorney/client privileges, for LSC grantees and parties to legal action represented by them. However, supporters assert that, while LSC is subject to provisions of the Freedom of Information Act (FOIA), most of its funding recipients are not. By disclosing basic lawsuit information—which is already publicly accessible through courts themselves—the public can be informed of the everyday work of the LSC and recipients of its funding. *Staff Contact: Mary Valentino, x5-2276*

Mr. Coburn may offer an amendment (#35) to transfer \$74 million from the Commerce Department's Advanced Technology Program (ATP) to the Justice Department's Juvenile Justice and Delinquency Prevention Act grants program. The sponsor asserts that funding for ATP is essentially "corporate welfare" which should be eliminated, and that the funding would be better spent on juvenile intervention programs which help at-risk youth and avert incidences of juvenile crime. *Staff Contact: Matt Rader, x5-2701*

Mr. Cummings may offer an amendment (#1) to transfer \$199 million to the Legal Services Corporation (LSC), for a total level of \$340 million. The increase is offset by a corresponding funding decrease in the State Department's International Broadcasting Operations account. *Staff Contact: Jonathan Alexander, x5-4741*

Mr. Doggett may offer an amendment (#4) to prohibit the use of any funds in the bill to promote the sale or export of tobacco products, or to remove or reduce marketing restrictions on the export of U.S. tobacco products to other countries. *Staff Contact: Matt Miller, x5-4865*

Mr. Forbes may offer one of two amendments (#46 or #47) to prohibit funding in the bill from being used toward (1) the Gaza Waste Water Project, or (2) any development projects in Gaza or the West Bank. *Staff Contact: Monte Ward, x5-3826*

Mr. Gallegly may offer an amendment to establish a commission to study structural alternatives for the federal courts of appeals, paying particular attention to the ninth judicial circuit. The commission must report to the president and Congress no later than 18 months after its members are appointed, and make recommendations to alter judicial circuit boundaries. Currently, the Senate CJSJ appropriations measure includes language to split the Ninth Circuit into two separate circuits. The sponsor argues that such a move should not be undertaken without careful study or the input or endorsements of the judges and judicial organizations involved. *Staff Contact: Steve Stombres, x5-5811*

Mr. Hefley may offer an amendment (#5) to reduce the level of funding for Educational and Cultural Exchange Programs to \$144 million, from its current level of \$194 million. *Staff Contact: Herman Stockinger, x5-4422*

Mr. Hefley may offer an amendment (#18) to reduce funding for the Economic Development Administration's trade adjustment assistance program to \$250 million, a reduction of \$90 million. The amendment adjusts funding to match that of the corresponding Senate measure for this program. *Staff Contact: Herman Stockinger, x5-4422*

Messrs. Hostettler, Royce, and Bass may offer an amendment (#12) to reduce all funding for the Commerce Department's Advanced Technology Program (ATP) to \$10 million. The amendment prohibits the ATP from awarding any new contracts, as the intent of the amendment is to provide only enough funding to shut down the program. *Staff Contact: Michael Hurt (Hostettler), x5-4636*

Mr. Hostettler may offer an amendment (#27) to reduce from its current level of \$114 million, funding for the Commerce Department's Industrial Technology Services account to \$74.1 million. *Staff Contact: Michael Hurt, x5-4636*

Mr. Hoekstra may offer an amendment (#36) to prohibit the use of federal funds for a court-appointed election officer to oversee any future Teamster election. The federal government has used federal funds to oversee two Teamster elections as required by a 1993 court order. *Staff Contact: Amy Plaster, x5-4401*

Mr. Hoekstra may offer an amendment (#37) to prohibit the use of federal funds to oversee a rerun of the 1996 Teamster election, unless the president certifies that the Teamsters do not have sufficient funds to conduct the rerun. If the president makes such a certification, the Labor Department may provide a loan to the Teamsters. Last fall, the federal government spent \$20 million to supervise a mail-in election. Three weeks ago, the results of the election were voided and a new election has been recommended by a federal court election monitor because of finance violations. *Staff Contact: Amy Plaster, x5-4401*

Ms. Jackson-Lee may offer an amendment (#19) to require the Justice Department to enter into a contract with the National Academy of Sciences to study pornography on the Internet and ways in which its access may be restricted to minor children. The study will last for two years and cost up to \$750,000 to conduct. The amendment requires that the study be funded from various general accounts within the Justice Department. *Staff Contact: Lillie Coney, x5-3816*

Mr. Kanjorski may offer an amendment (#6) to eliminate funding for the USIA's National Endowment for Democracy program, a reduction of \$30 million. *Staff Contact: Alan Pentz, x5-6511*

Mr. Kennedy (MA) may offer an amendment (#13) which to increase funding for the Federal Trade Commission (FTC) by \$2 million, providing a net appropriation of \$27 million. *Staff Contact: Bob Gerber, x5-5111*

Mr. Kennedy (MA) may offer an amendment (#14) to prohibit any funds in the bill from being used for the Commerce Department's Access Mexico Program. Currently, the department maintains a database which keeps track of Mexico's environmental laws, regulations, and standards as they affect U.S. businesses which operate there. The database was established in 1996; at its inception, Congress authorized a \$500,000 grant to the U.S.-Mexico Chamber of Commerce to administer a similar database program, albeit separate from that belonging to the Commerce Department. To date, however, the Chamber of Commerce has been determined to be ineligible to receive the grant funding, and the funds remain unobligated within the Commerce Department budget. Thus, the amendment rescinds the grant funding for U.S.-Mexico initiative because the money has not yet been spent and the program is duplicative. *Staff Contact: Bob Gerber, x5-5111*

Mr. Kennedy (MA) may offer an amendment (#28) to increase funding for the Federal Trade Commission's salaries and expenses account, an increase of \$2 million to \$97 million. The additional funding is provided by an offsetting reduction of \$3 million from the State Department's International Broadcasting Operations account. *Contact: x5-5111*

Mr. Kucinich may offer an amendment (#7) to add \$500,000 to the direct appropriation for the Federal Communications Commission (FCC), resulting in a total appropriation of \$35 million. The purpose of the amendment is to provide sufficient funding for the FCC's Common Carrier Bureau to administer and implement new regulations on newly-created area codes nationwide. *Staff Contact: Jaron Bourke, x5-5871*

Ms. Lofgren may offer an amendment (#25 or #48) to increase funding for NOAA's Operations, Research and Facilities account by \$4.9 million. The amendment offsets the increase by decreasing funding for the SBA's disaster relief funding by \$4.9 million. The sponsor intends that the increased funding be used to enhance NOAA's climate observation abilities, which serves to better predict U.S. weather patterns and can be used to predict patterns of severe weather activity. *Staff Contact: Jonathan Masur, x5-3072*

Ms. Lowey may offer an amendment (#29 or #38) to increase funding for NOAA's Operations, Research and Facilities account by \$2.5 million. The additional funding is intended for implementing the nonpoint source pollution control program as authorized in the 1990 Coastal Zone Reauthorization Act. *Contact: x5-6506*

Mr. Miller (CA) may offer one of two amendments (#30 or #31) to increase funding for the Justice Department's U.S. Attorneys salaries and expenses account by \$500,000. Amendment #31 offsets this increase by reducing funding in the Justice Department's General Legal Activities account by an equal amount. *Contact: x5-2095*

Mr. Miller (CA) may offer one of two amendments (#39 or #40) to increase funding for the Justice Department's U.S. Attorneys salaries and expenses account by \$100,000. Amendment #40 offsets this increase by reducing funding in the Justice Department's General Legal Activities account by an equal amount. *Contact: x5-2095*

Messrs. Mollohan and Shays may offer an amendment, debatable for 80 minutes, to strike restrictive language in the bill regarding the 2000 census. Currently, the bill provides \$382 million for the Census Bureau's efforts related to the 2000 census; however, it allows only \$100 million to be available immediately to the bureau and stipulates that none of these funds may be used toward any preparations to use "sampling" census-taking methods. The amendment removes the funding restriction and allows all \$382 million to be immediately available to the bureau. However, the amendment stipulates that the funds may not be used to implement irreversible plans or preparations for the use of sampling or other statistical methods. Finally, the amendment creates a Board of Observers for a Fair and Accurate Census to oversee the discussion of, and decision-making processes for, census procedures for the 2000 census initiative. *Contact: x5-4172*

Ms. Norton may offer an amendment (#32) to strike bill language which prohibits the use of funds to perform abortions in the Federal Prison System. This restriction has been included in the bill for the last two years. *Contact: 5-8050*

Ms. Rivers may offer an amendment (#23) to strike bill language which allows members and staff employed by the House to be reimbursed for legal expenses incurred as a result of a Justice Department investigation connected with their official duties as House members or employees. *Staff Contact: Michael Gorges, x5-6261*

Messrs. Sanders, Rohrabacher, DeFazio, Ney, and Stearns may offer an amendment (#9) to increase funding for the office of the U.S. Trade Representative (USTR) by \$1 million, bringing its total funding to \$22.7 million. The increase is offset by a corresponding \$1 million decrease in the general administration account. The intent of the amendment is to equip the USTR to protect federal, state, and local laws which are adversely affected by international trade and investment agreements. *Staff Contacts: Bill Goold or Brendan Smith (Sanders), x5-4115*

Mr. Schumer may offer an amendment (#33, #34, #41, #42, or #50) to withhold two percent of the State Department's funding for salaries and expenses—a total of \$7.3 million—until it releases its list of designated foreign terrorist groups as required by the 1996 Antiterrorism and Effective Death Penalty Act (P.L. 104-132). *Staff Contact: Bill McGeeveran, x5-6616*

Mr. Schumer may offer one of two amendments (#51 or #52) to (1) prohibit funding in the bill from being given to states for their portions of the National Sexual Offender Registry if, within that state's laws, consensual sodomy between adults is a sex crime for which persons convicted must be entered in the state's sex offender registry, or (2) limit to 90 percent the amount of funding available to states which criminalize consensual sodomy. *Staff Contact: Bill McGeeveran, x5-6616*

Mr. Scott may offer an amendment (#10) to transfer \$259 million from the Justice Department's State Prison Grants (SPG) program to the Juvenile Justice Program (JJP), bringing total funding for the JJP to \$422 million. *Staff Contact: Bobby Vassar, x5-8351*

Mr. Scott may offer an amendment (#11) to require that federal, state, or local law enforcement agencies which receive funding from the Justice Department must submit information to the Attorney General regarding the death of any individual who is in law enforcement custody for committing a crime. *Staff Contact: Bobby Vassar, x5-8351*

Mr. Scott may offer an amendment (#53) to reduce funding for the Violent Offender Incarceration and Truth in Sentencing Incentive Grants by \$259 million. The funding would be fully redistributed to provide an additional (1) \$80 million for criminal alien incarceration in California under the Violent Offender Incarceration and Truth in Sentencing Incentive Grants; (2) \$13 million for the Court Appointed Special Advocate program; (3) \$8 million for child abuse training programs for judicial personnel and practitioners; (4) \$40 million for the Grants to Combat Violence Against Women program; (5) \$37 million for residential substance abuse treatment for state prisoners; (6) \$77 million for drug courts; and (7) \$4 million for Law Enforcement Family Support programs. *Staff Contact: Bobby Vassar, x5-8351*

Mr. Smith (NJ) may offer an amendment (#54) to prohibit funding from being used for State Department salaries or expenses if department officials or employees allow private entities to assess fees to U.S. citizens for information about U.S. passports. *Contact: x5-3765*

Mr. Traficant may offer an amendment (#24) to require that any local government or law enforcement entity which uses funding provided in the bill to hire or rehire career law enforcement officers

must prioritize its hiring to increase the number of officers placed on active patrol over those hired to perform administrative duties. **Staff Contact: Paul Marcone, x5-5261**

Ms. Waters may offer an amendment (#55) to transfer \$30 million from the “truth in sentencing” construction account to federal drug courts, boosting funding for drug courts to \$60 million. **Contact: x5-2201**

Mr. Watt (NC) may offer an amendment (#56) to increase by six months the date for which funding may begin to be used by the INS for fingerprint identification cards which are used in criminal background checks under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104-208). **Contact: x5-1510**

Mr. Weygand may offer an amendment (#43) to make grammatical corrections to bill language for the INS salaries and expenses account. Specifically, the amendment affects language which provides that funding may not be used by the INS for fingerprint identification cards which are used in criminal background checks under the 1996 Immigration and Naturalization Act (P.L. 104-208) unless the card is issued by the INS, or a state or local law enforcement agency. **Contact: x5-2735**

Additional Information: See *Legislative Digest*, Vol. XXVI, #24, Pt. II, September 8, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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